

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARLENE JOHANSEN

Plaintiff and Counterclaim
Defendant

Civil Action No. 04-11789-RCL

v.

UNITED STATES OF AMERICA

Defendant and Counterclaim
Plaintiff

v.

TIMOTHY BURKE

Counterclaim Defendant

PLAINTIFF'S MOTION TO BE ALLOWED TO FILE A REPLY BRIEF

The Plaintiff, Marlene Johansen ("Ms. Johansen",) moves this honorable Court to allow her to file a Reply to the United States' Opposition to her Motion for Summary Judgment.

As reasons therefore the Plaintiff states that she filed a single Memorandum in Support of her Motion for Summary Judgment and in Opposition to the United States' Motion for Summary Judgment so as to minimize the volume of documents for review by the Court. The Plaintiff's counsel has contacted the Defendant's counsel on two occasions and requested his assent to the filing of this motion. The Defendant's counsel indicated that he would not oppose the Plaintiff's Motion to file this Reply Brief.

WHEREFORE, the Plaintiff requests that the Court:

1. Allow her to file a Reply Brief;
2. Schedule a hearing on this Motion;
3. Award reasonable attorney's fees and costs; and
4. Grant such further relief as deemed necessary by the Court.

Marlene Johansen
by her attorney

/s/ Timothy Burke
Timothy J. Burke
BBO# 543837
400 Washington Street
Braintree, MA 02184
(781) 380-0770

Dated: August 19, 2005

Plaintiff's Certificate of Compliance with Local Rule 7.1.

Plaintiff's counsel hereby certifies that his office telephoned counsel for the Defendant, Stephen Turanchik, on August 1, 2005 and on August 18, 2005. Counsel indicated that he did not object to the Plaintiff's Motion.

Certificate of Service

I hereby certify that a true copy of the above document was served via first class mail, postage prepaid on August 19, 2005 to the following counsel of record:

Stephen Turanchik
Trial Attorney, Tax Division
Department of Justice
P.O. Box 55
Ben Franklin Station
Washington, D.C. 20044

/s/ Timothy Burke
Timothy J. Burke